

DETAILED ACTION

Interview

The Examiner proposed an amendment to add the limitations of claim 28 into claim 27 in a phone interview with Nicholas Trenkle the week of April 12, 2010. This did not result in an allowance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 27 is rejected under 35 U.S.C. 102(b) as being anticipated by WO 01/46664

A2 to Aigner et al. (of record, hereafter “Aigner”).

Regarding claim 27, Aigner illustrates in figures 10A and 10B with associated text:

A device comprising:

a first substrate 1 having a first side 20 (side formed by sawing) and a second side (unnumbered, see annotated FIG 10B below) facing each other and a third side and a fourth side (see annotated FIG 10B below) facing each other, the first and second sides being perpendicular to the third and fourth sides;

a mechanical element 17 disposed over the first substrate;

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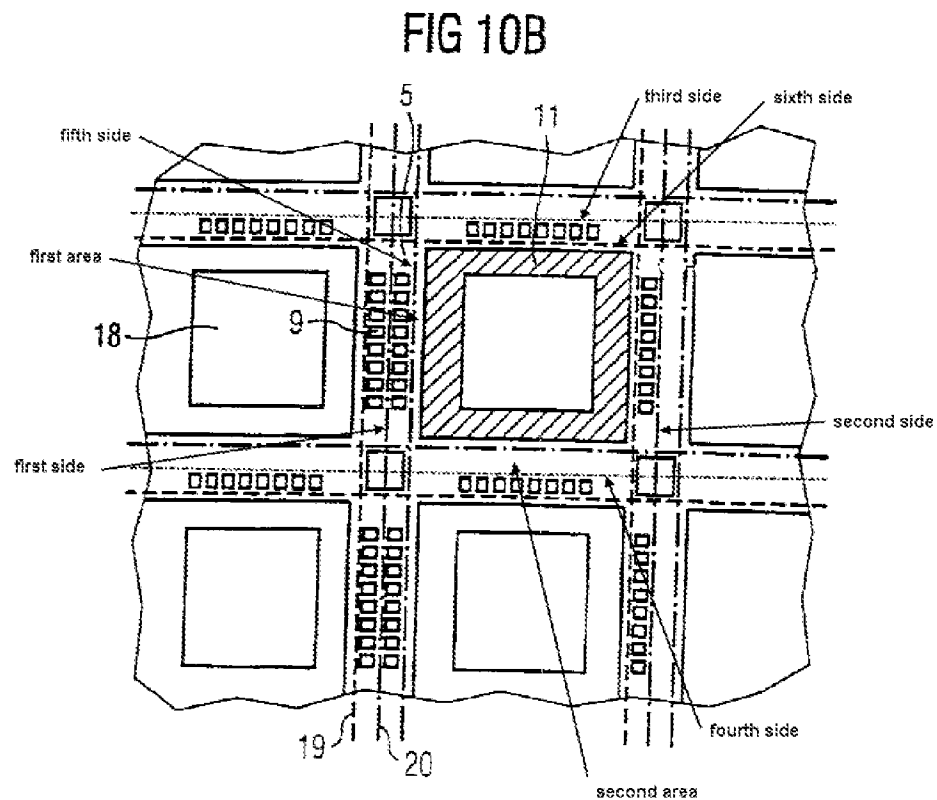
a pad 9 connected (inherently electrically connected for the device to function) to the mechanical element and disposed over the first substrate; and

a second substrate 2 sealing the mechanical element and having a fifth side (like 19, see annotated FIG 10B below) between the first and second sides of the first substrate and a sixth side (unnumbered, see annotated FIG 10B below) between the third and fourth sides of the first substrate,

wherein the pad is disposed in an area surrounded by the first side, the third side, the fifth side, and the sixth side, when viewed in plain view, and

wherein the second substrate includes a first area (see below) between the fifth side and the second side and a second area (see below) between the sixth side and the fourth side as adhesion areas between the first substrate and the second substrate, when viewed in plain view.

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Allowable Subject Matter

Claims 30-32 are allowed.

Claims 28 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 27-32 have been considered but are moot in view of the new ground(s) of rejection.

The argument that “An electrical contact located in a first cavity that is isolated from a second cavity in which a mechanical element is located, as described in Aigner, is clearly not a pad that is connected to a mechanical element” is not persuasive. Simply because the contact and the mechanical element are located in different cavities does not mean they are not electrically connected. Electrical connections must be made for the input/output of the mechanical element. Electrical connections are often not illustrated, but are inherently made for the device to function.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from an examiner should be directed to Primary Examiner Allan Wilson whose telephone number is 571-272-1738. Examiner Wilson can normally be reached 7:00-4:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Parker can be reached on 571-272-2298. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Allan R. Wilson/
Primary Examiner, Art Unit 2815